

an interface for accessing said system, at least one buyer having an interface adapted for use with said on-line computer service as at least a portion of said interface,

a dynamic video system for providing video at least from said vendor to said buyer,

an audio system for providing audio communication from at least said vendor to said buyer,

a text system for providing text between said vendor and said buyer,

a storage memory for storing data associated with said buyer, including buyer identification data and commercial transaction data, and

a control system utilized in said commercial transaction communication control system for control of said storing of data, including buyer identification data and commercial transaction data, said control system further selectively providing audio, dynamic video and text from at least said vendor to said buyer.

Original 39(renumbered 38). The commercial transaction communication system of claim 17 wherein the plural groups include at least one potential buyer and a plurality of vendors.

Original 40 (renumbered 39). The commercial transaction communication system of claim 17 wherein the plural groups include at least one vendor and a plurality of potential buyers.

Original 41 (renumbered 40). The commercial transaction communication system of claim 17 wherein the plural groups include a plurality of potential buyers and a plurality of vendors.

REMARKS

This response is submitted in answer to the office action dated June 19, 2001. At the outset, in the office action, the Examiner indicated that misnumbered claims 17-112 have been renumbered as claims 16-111. Applicant respectfully submits that claims 17-112 were correctly

numbered for the following reason. The original specification (from the prior application) introduced claims 1-16 for examination. In the request for a divisional application (submitted on February 17, 2000, Applicant requested that original claims 2-16 be canceled and claim 1 be retained for the purpose of filing the divisional application. In the preliminary amendment submitted contemporaneously, Applicant canceled claim 1 and introduced claims 17-112 (consecutively numbered after claim 16) for examination. Applicant respectfully requests the Examiner to consider Applicant's explanation urged here and if she still believes that the claims should be 16-111 rather than 17-112 to indicate so in her next office action. At any rate, for the purpose of responding to this office action, Applicant will refer to the claims as renumbered by the Examiner with the corresponding claim number believed to be correct indicated in parenthesis beside.

I. Rejection of Claim 109 (believed to be Claim 110) Under 35 U.S.C. Section 102(b).

In paragraph 3 of the office action, claim 109 is rejected under 35 U.S.C. Section 102(b) as being anticipated by Shavit et al. Applicant respectfully submits that Shavit's system is quite different because it permits business transactions in an interactive on-line mode between users during interactive business transaction sessions wherein one party to the transaction is specifically selected by the other party. On the other hand, Applicant's system selectively enables communications between members of plural groups.

Applicant respectfully contends that claim 109 (claim 110) requires that the claimed commercial transaction communication control system be adapted for use with an "on-line computer service," as stated in the preamble. Moreover, the claim requires transmission of "electronic interchange data (EDI)." Applicant respectfully submits that Shavit does not teach a system that is adapted for use with an on-line computer service. Nor does it teach transmission of "electronic interchange data (EDI)." For at least the reasons urged here, Applicant respectfully contends that a rejection under 35 U.S.C. Section 102(b) is improper and requests the Examiner to withdraw her rejection. The claim has also been amended to further clarify it, by replacing the term "as" with -including- and deleting a second occurrence of the word "data," where it was found to be superfluous.

online computer service
col. 7, l. 9-15 (via)

EDI
col. 15, l. 31-32

II. Rejection of Claims 16-42 (17-43), 45-72 (46-73), 75-105 (76-106), and 108 (109) Under 35 U.S.C. Section 103(a)

In paragraph 5 of the office action, claims 16-42, 45-72, 75-105, and 108 are rejected under 35 U.S.C. Section 103(a) as being unpatentable over D'Agostino in view of Smith.

Again, the rejected claims recite a commercial transaction communication control system adapted for use with an on-line computer service for selectively enabling communications between members of plural groups. Applicant respectfully submits that D'Agostino does not teach this aspect of the rejected claims. In addition, claims 45 (46) and 78 (79), from which a majority of the remaining claims depend, require that the commercial transaction data include electronic data interchange (EDI) between the members of the plural groups. Applicant respectfully submits that neither D'Agostino nor Smith show this aspect of the claimed invention. Accordingly, even if Smith discloses dynamic video, as urged by the Examiner, a combination of D'Agostino and Smith would still fall short of the claimed invention.

The dependent claims are distinct at least for the reasons urged here with respect to the independent claims.

III. Rejection of Claims 16-42 (17-43), 45-72 (46-73), 75-105 (76-106), and 108 (109) Under 35 U.S.C. Section 103(a)

Claims 43-44, 73-74, and 106-107 are rejected under 35 U.S.C. Section 103(a) as being unpatentable over D'Agostino in view of Smith, as applied to claim 17 above, and further in view of Donald et al. The claims rejected here are dependent on the claims distinguished above in paragraph II and are distinct for at least the reasons urged there. Accordingly, even if D'Agostino and Smith were further combined with Donald, the combination would still fall short of the claimed invention.

IV. Rejection of Claims 110-111 (111-112) Under 35 U.S.C. Section 103(a)

In paragraph 7 of the office action, claims 110-111 are rejected under 35 U.S.C. Section 103(a) as being unpatentable over Shavit in view of Smith. Applicant respectfully submits that these claims depend on claim 109 (claim 110) and are distinct at least for the reasons urged above in paragraph I. Accordingly, Applicant respectfully requests the Examiner to withdraw her rejection of these claims.

Finally, Applicant has amended the claims indicated above to correct obvious errors.
Favorable consideration and allowance of the claims here is respectfully requested.

Respectfully submitted,

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MARKED-UP VERSION OF CLAIMS

17 (16). (Amended) A commercial transaction communication control system for selectively enabling communications between members of plural groups, including at least one potential buyer and at least one vendor, at remote locations, the system being adapted for use with an on-line computer service, for accomplishing electronic communication between said groups, comprising:

an interface for accessing said system, at least one buyer having an interface adapted for use with said on-line computer service as at least a portion of said interface,

a dynamic video system for providing video at least from said vendor to said buyer,

an audio system for providing audio communication from at least said vendor to said buyer,

a text system for providing text between said vendor and said buyer,

a storage memory for storing data associated with said buyer, including buyer identification data and commercial transaction data, and

a control system utilized in said commercial transaction communication **control** system for control of said storing of data, including buyer identification data and commercial transaction data, said control system further selectively providing audio, dynamic video and text from at least said vendor to said buyer.

39(38). (Amended) The commercial transaction communication system of claim 17 (16) wherein the plural groups **[includes] include** at least one potential buyer and a plurality of vendors.

40 (39). (Amended) The commercial transaction communication system of claim 17 (16) wherein the plural groups **[includes] include** at least one vendor and a plurality of potential buyers.